

Overview of Citizen Petition Zoning Articles 16 & 17
Prepared by the Coalition of Amherst Neighborhoods,
For Town Meeting Members at the Special Fall 2012 Town Meeting

November 18, 2012

The Coalition of Amherst Neighborhoods (CAN) is working with the town to restore the quality of life in neighborhoods threatened by increasing numbers of commercial rental houses. Recognizing that this serious and increasing threat to neighborhood stability is a town wide problem, the Coalition submitted these petition articles on the September 19th due date, while continuing to work with the Zoning Subcommittee and the Planning Board on their articles. We appreciate and agree with the PB's *Preamble for Zoning Bylaw Articles 12-15* (p. 8 of the Fall 2012 TM Warrant). We believe that our citizen petition articles are congruent with those proposed by the Planning Board and will strengthen them.

PLEASE NOTE: We plan to amend our Sept 19th original Articles in light of what was proposed by the PB. Please refer to amended motions for Articles 16&17, rather than referring to the text in the original Warrant.

Our Articles emphasize the negative conditions created by overcrowded student rentals, as distinct from concerns about student behavior itself. We realize that our zoning petitions are only one tool for dealing with complicated social and zoning problems.

We want to reconcile two seemingly opposed concepts in the Master Plan – on the one hand, increased density and infill in Amherst central residential neighborhoods, and on the other hand, preserving the integrity and historical character of these residential neighborhoods. The articles are designed to limit the degree of infill and density, in order to maintain the attractive and historic qualities of these neighborhoods.

- **Overview of Article 16 [See separate sheet for Motion]:**

Recently, single family homes in residential neighborhoods have been “converted” into two-family dwellings by means of the Two-Family Dwelling (Duplex) Bylaw rather than through the more stringent Converted Dwelling Bylaw. Such changes double the number of residents permissible in a given building (from 4 to 8), and at times beyond the permissible tenancy (10 or more).

Prior to 2008, a Special Permit was required for Two-Family Detached Dwellings. By action of Fall 2008 TM, such dwellings in R-G (the general residence area) and R-VC (a village center residence) were allowed by right with Site Plan Review. We believe that the acceleration of commercially-driven converted dwellings is an unintended consequence of this change. We argue for a return to the pre-2008 situation, by which single family home renovations or additions are regulated by the more stringent Special Permit process which examines use, potential noise, nuisance, and the character of the neighborhood.

- **Article 17 [See separate sheet for motion that reduces the scope from 12 points down to 1 point drawn from para. 5]:**

For any properties to be converted into two or more dwelling units, one of the units shall be and shall remain owner-occupied or will have a resident manager. This provides for the stability associated with owner-occupied properties, oversight of tenant behavior by the property owner him or herself or through a resident manager, and in the event of disruptive behavior by tenants, assures that neighbors know whom they should contact to address these problems.

This citizen article is based on a recent study by Town Meeting member Professor Rolf Karlstrom of nuisance house rentals in the neighborhood immediately south of campus. His study shows that *all* of the chronic nuisance houses in that district are *not owner-occupied*, while *none* of the owner-occupied student rentals in that area are nuisance houses.

**COALITION OF AMHERST NEIGHBORHOODS (CAN)
CITIZEN PETITION ARTICLES
TEXTS TO BE MOVED AT FALL 2012 SPECIAL TOWN MEETING
ARTICLES 16 & 17**

- **ARTICLE 16: AMENDED TO READ:**

Proposed amendments to the Article we sent in are shown in Gray Underlined Italics.

ARTICLE 16. Petition – Zoning Bylaw - Two Family Detached Dwelling

To see if the Town will vote to amend Section 3.321 of the Amherst Zoning Bylaw by adding the language in boldface and by deleting the language in strikethrough as follows:

3.321 Two-family detached dwelling.

In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 [General Design Review Principles] and 3.2041 [Design Review Standards] to any construction ~~renovation or expansion resulting in the creation~~ of a new two family detached dwelling. ~~or the addition of a single new dwelling unit to an existing single family residence such that a two-family detailed dwelling is created.~~ Any renovation or expansion of or addition to an existing dwelling that results in the creation of a two-family dwelling shall be considered a converted dwelling and permitted under Section 3.3241 ~~or 5.011 as applicable.~~

- **ARTICLE 17 AMENDED TO READ:**

ARTICLE 17, Petition – Zoning Bylaw – Converted Dwelling Standard and Conditions

To see if the Town will vote to amend Section 3.3241, item 5 of the Amherst Zoning bylaw or Section 3.3241, item 6 of Article 14 as applicable, by adding the words, phrases, sentences or section in red boldface as follows:

3.3241 Converted Dwelling – Standards and Conditions [2012 Zoning Bylaw (5), or Article 14 (6), or Article 17 (5):]

The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Special Permit Granting Authority. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use, and shall require owner-occupancy or a resident manager in one of the units, or b) be from one to two units, one of which shall be and remain owner-occupied, which shall be made a condition of any Special Permit issues in such an instance.

**Example showing the rationale for Article 16 Revisions (CAN):
Prepared for TM Bus Tour**

Recent zoning bylaw revisions inadvertently allowed a “back door” by which boarding-house style additions can be built without special permit as a “duplex.” This type of addition is commonly called “semi-attached” by architects, and previously required a special permit. Article 16 amendments require that this type of change in building character/function go through the special permit process.



79 Taylor: constructed by site plan review as “duplex” by out of town developer.



42 Shumway: The same developer is now requesting a similar construction from the planning board through the site plan review process (not special permit).

Note:

Special Permits (SP) can provide conditions on property that help the dwelling remain compatible with a neighborhood.

Site Plan Review (SPR) conditions for approval are much less stringent, focus mainly on parking, lighting, garbage etc.